

STATE OF MINNESOTA  
IN SUPREME COURT

C8-84-1650

PROMULGATION OF AMENDMENT TO  
THE RULES OF PROFESSIONAL CONDUCT

**ORDER**

WHEREAS, the Minnesota State Bar Association and the Lawyers Professional Responsibility Board filed petitions with this Court that recommended amendment of the Rules of Professional Conduct to include a new Rule 1.8(k), and

WHEREAS, the Supreme Court held a hearing on the proposed amendments on June 8, 1994, and

WHEREAS, the Supreme Court has reviewed the recommendations and is fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Rules of Professional Conduct are amended to add the following new Rule 1.8(k):

**Rule 1.8 Conflict of Interest: Prohibited Transactions**

**Rule 1.8(k)** A lawyer shall not have sexual relations with a current client unless a consensual sexual relationship existed between them when the lawyer-client relationship commenced or after it ended. For purposes of this paragraph:

- (1) "Sexual relations" means sexual intercourse or any other intentional touching of the intimate parts of a person or causing the person to touch the intimate parts of the lawyer.
- (2) If the client is an organization, any individual who oversees the

representation and gives instructions to the lawyer on behalf of the organization shall be deemed to be the client. In-house attorneys while representing governmental or corporate entities are governed by Rule 1.7(b) rather than by this rule with respect to sexual relations with other employees of the entity they represent.

- (3) This paragraph does not prohibit a lawyer from engaging in sexual relations with a client of the lawyer's firm provided that the lawyer has no involvement in the performance of the legal work for the client.
- (4) If a party other than the client alleges violation of this paragraph, and the complaint is not summarily dismissed, the Director, in determining whether to investigate the allegation and whether to charge any violation based on the allegations, shall consider the client's statement regarding whether the client would be unduly burdened by the investigation or charge.

2. The amendment shall govern the professional conduct of lawyers occurring on or after July 1, 1994.

DATED: June 10, 1994

BY THE COURT:

OFFICE OF  
APPELLATE COURTS

JUN 15 1994

**FILED**

  
A.M. Keith  
Chief Justice